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Bramblebank Application - WD/2016/2343/MAO

Dear Mr Robins,

1. The Steering Group of the Village Concerns Action Group represent the views of over 200 supporters from our community and we object to Planning Application WD/2016/2343 MAO.

2. This application was submitted in 2016 and has not been brought forward for consideration because it failed to comply with extant planning policy and was not in line with the emerging 2019 Wealden Local Plan. The 2019 Submission Local Plan has been withdrawn but this application still fails to comply with the extant Wealden planning policies and the direction intended by the 2019 Submission Local Plan. The application proposes unsustainable development in an Unclassified Settlement defined in the 2013 Core Strategy “[as having few or no facilities and where further development would be unsustainable](#)”.

National Planning and Policy Framework 2019

3. There are many reasons that this Application should be rejected but primarily because it does not comply with NPPF 2019 to provide sustainable development. The proposal to build 30 homes in an Unsustainable Settlement is by definition not sustainable. It conflicts with Paragraph 10 and 11 of NPPF 2019.

4. Paragraph 94 of NPPF 2019 directs that sufficient school places should be available. The closest schools are already full and the developer has not shown where the new residents would find places.

5. Paragraphs 103 and 104 of NPPF 2019 directs that new developments should limit the need to travel. There are no local school places, no adequate local facilities and no local jobs. The bus services are inadequate and cycling is not a

safe option. All residents would therefore be forced to travel by car for education, employment, shopping and leisure.

Extant Wealden Planning Policy

1998 Wealden Local Plan

6. Halland had a Development Boundary under the 1998 Local Plan and this was withdrawn in the 2013 Core Strategy. The application site is outside this Development Boundary and development would not have been permitted under the 1998 Local Plan.

7. In the 2019 Submission Wealden Local Plan the 1998 Development Boundary was reduced to a smaller Core Area within which small developments of up to 5 houses would be considered. Again the application site is outside this Core Area and a development of this scale would have been rejected.

2013 Core Strategy

8. **Development Boundary** The removal of the Development Boundary in the 2013 Core Strategy removes the boundary that delineates where development is appropriate, acceptable and sustainable. Paragraph 6.47 of the 2013 Core Strategy acknowledges this by stating that “[Development boundaries enable a clear distinction to be made between settlements \(towns and villages\) where certain forms of development may be appropriate or encouraged, and the smaller settlements and rural areas where protection of the countryside would usually take precedence.](#)”.

9. **Settlement Hierarchy** The 2013 Core Strategy defines Halland as an Unclassified Settlement at the very bottom of the Settlement Hierarchy. It specifically describes such settlements “[as having few or no facilities and where further development would be unsustainable](#)”.

10. **Rural Area Policy** This very clear statement is further supported in the 2013 Core Strategy in the policy on Rural Areas. Paragraph 6.44 indicates that “[Outside the towns and the rural settlements identified for growth development will be restricted primarily to that required to meet an essential rural need, support rural diversification and sustainability of the countryside, promote tourism or enhance the countryside.](#)”. This application does not meet an essential rural need, support diversification, support sustainability, promote tourism or enhance the greenfield site it will remove.

11. **Policy Conflicts**

- a. This application is in direct conflict with the following saved policies of the 1998 Local Plan: General Development (GD) 2, Environmental (EN) 2, EN 8, EN 27, Development in the Countryside (DC) 17 and Transport (TR) 3.
- b. This application is in direct conflict with the following policies of the 2013 Core Strategy: Spatial Planning Objective (SPO) 1, SPO 3, SPO 7, SPO 8, SPO 9, SPO 13, SPO 14, SPO 15, Wealden Core Strategy (WCS) 4, WCS 6, WCS 7, WCS 12 and WCS 14.

Appeal Decisions that affect this Application

Hop Garden

12. Application to build 21 homes at The Hop Garden, Halland (WD/2017/0331/MAJ) was subject to an appeal for Non Determination (APP/C1435/W/19/3226973). The appeal was dismissed.
13. The Planning Inspector agreed with the case put by Wealden that the site was not suitable: “due to its location outside any DB, in planning policy terms, it is located within the countryside. Saved Policies GD2 and DC17 within the Wealden Local Plan 1998 (LP) generally resist new housing development in the countryside which is not essential for agriculture or forestry needs or has some other similar justification for a rural location (such as rural affordable housing exception sites)”. The Inspector also stated: “The site is also not within any strategic development area identified within policies WCS4 and WCS6 of the CS”.
14. The Inspector also agreed with the case put by Wealden that the application did not comply with Policies SPO 7 and SPO 8 of the 2013 Core Strategy by reducing the need to travel by car in accordance with NPPF policies on rural housing. The Inspector stated: “future occupiers of the development would nevertheless be largely reliant on the private motor car to access shops, services, facilities and employment”.
15. The Inspector was fully aware that Wealden could not demonstrate a five year land supply but ruled that: “even when applying the tilted balance, the development would be contrary to the development plan and the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole”.
16. All of these judgements apply to the Bramblebank application.

Halland Forge

17. Application to build 21 homes at The Halland Forge, Halland (WD/2018/0320/MAJ) was subject to an appeal against a refusal to grant planning permission (APP/C1435/W/19/3229579). The appeal was dismissed.

18. The Planning Inspector identified that there was little opportunity for local employment and no evidence to show that any vacancies existed. He also assessed that: “the likelihood of public transport being a realistic alternative to the private car is limited”.

19. The Inspector also ruled that: “The location of the proposed development would not be appropriate, conflicting with the policies of the Framework and with saved LP policies EN1, EN2, GD2 and DC17 which promote sustainable development, which seek to ensure that new developments generating significant travel movements are located efficiently in relation to public transport and which resist housing development outside development boundaries unless it accords with other policies in the Plan”.

20. The Inspector was fully aware that Wealden could not demonstrate a five year land supply but ruled that: “the proposal would not be sustainable development, its environmental impacts significantly and demonstrably outweighing its social and economic benefits when assessed against the policies in the Framework as a whole”.

21. All of these judgements apply to the Bramblebank application.

Local Opposition to Application

22. In addition to Wealden’s own definition of this site as being unsustainable there is considerable local opposition to this application. We offer the following summary of their key objections.

Scale of Proposal

23. The scale of the proposal is significant within this settlement. The number of homes in Halland is currently 121. Since 2016 there has already been an increase in the size of the settlement of 13%. To add an additional 30 homes would reflect an increase of 36%. This is disproportionate and it is inconceivable that you would consider such an increase of a town or other settlement and you should not do so here.

24. Halland does not need more large houses. Any future developments should be in line with the proposals of the 2019 Submission Local Plan: 1 or 2 Bed homes and developments of no more than 5 homes.

Bus Service

25. The Bus service to Eastbourne and Uckfield runs hourly but there are no Sunday or evening services which means that it is useless for evening leisure trips or for shift workers. The service to Brighton was cut in 2019 leaving a bizarre service of a couple of very early morning buses, then a gap of 12 hours and a few evening buses. A round trip to Brighton therefore takes around 13 hours so this service is of virtually no practical use for any purpose.

26. The ESCC Highways Report did not raise an objection to this application in 2016 and confirmed in 2020 that it had nothing further to add. This is disappointing as part of its claim in 2016 was that [“Accessibility for non-car users is available in form of buses with stops within 400m of the site where an hourly service between Brighton and Uckfield is available”](#). ESCC Highways should clearly review their report.

Traffic Congestion

27. Traffic Congestion is significant at peak times on the A22 and it is getting worse. The Planning Statement suggests that the impact of this new development would not have a significant impact on traffic in the local area. The ESCC Highways report also indicates that the traffic generated by the site would not be a problem. However, the residents know better. They have to deal with the congestion on a daily basis. Clearly the authors of these reports have not had to cope with the congestion on the A22 or at “Earwig” Corner (A26/B2192). They ignore the “in combination effect” of the traffic increase on an already congested road system.

Traffic Safety

28. When the traffic is able to move through Halland it does so at excessive speeds. The Speed Camera in Halland is regularly one of the highest earning cameras nationally. Vehicles regularly speed on the B 2192 and cars parked in the roadway makes the area outside the proposed entrance to the development hazardous. This is further complicated because the brow of the hill just to the West of the proposed entrance means that vehicles speeding into Halland would not see traffic emerging from the development until too late. This is a major concern for local residents yet ESCC Highways seem to be content that the proposals are safe.

29. The Road Safety Audit clearly identified that: [“The proposed new footway on the northeast side of the access road is shown as 1.5m wide although the national standard for a new footway is a minimum of 1.8m to allow a buggy and a wheelchair to pass. Sub-standard footways may lead to pedestrians stepping in to the carriageway which could lead to pedestrian / vehicle conflicts”](#). This has not been addressed by the applicant.

Transport and Sustainability

30. The Highways Report does not recommend that this development be accompanied by a Travel Plan. One can only presume that this is an acceptance that there are no viable alternatives to cars and that this community is totally car dependant.

31. The 2011 Census data shows that 78.1% of local people currently drive themselves to work. This is an extremely high car driver mode share. Only two other of the twenty-one output areas within Wealden have higher car driver mode shares with the highest being 81.9%. The high car driver mode share reflects the fact that there are few work opportunities within the village and neither cycling nor public transport represent realistic alternative means of accessing major destinations in the area.

32. There is virtually no opportunity for modal shift away from car dependency in this community. This is contrary to sustainability principles and should mean that you do not put developments in such rural areas. Some examples of how this conflicts with National and Wealden policies:

- a. Wealden Local Plan (1998) – It contradicts Saved Policy EN1 Sustainable Development which requires consideration of incorporating renewable energy and reducing the need to travel.
- b. Paragraph 103 of the NPPF - “Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.”
- c. Paragraph 108 of the NPPF reinforces the requirement stating: “In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;”
- d. The Core Strategy 2013 classifies Halland “as having few or no facilities and where further development would be unsustainable”. Objective SP03 of the Core Strategy states that: “The majority of new housing will be accommodated within, or as sustainable extensions to, existing towns, while allowing for limited growth within those villages capable of accommodating development in a sustainable fashion.” This objective is entirely consistent with the requirements of national policy relating to sustainable transport. Halland is not identified as one of the rural settlements with growth potential (i.e. less than “up to 10 dwellings”).

e. The recently withdrawn Local Plan reflected this part of the Core Strategy objective by allocating a windfall allowance of 48 new dwellings within MSOA 13 South as a whole. This area includes East Hoathly along with other settlements including Halland, Laughton and Chiddingly plus hamlets and other settlements. The Local Plan was not withdrawn on the basis of any criticism of the proposed allocations of housing. An allocation of 48 homes spread across 3 parishes over 10 years is realistic and sustainable. 30 homes in an Unclassified Settlement is unsustainable.

Community Consultation

33. The developer implies that they consulted with the public and amended their plans as a result. This is disingenuous. They may have made some changes but disregarded the comments that they did not like. The housing density was not changed or the very existence of the application which was strongly opposed. The primary concern of local residents recorded at this meeting was about the sustainability of services in Halland and the traffic problems. None of these were addressed by the developer's changes.

Community Infrastructure Levy (CIL) Money

34. The developer states that CIL money “[would generate considerable funding which is aimed at being put back into the local community](#)”. This is not true, 85% of the CIL money goes to Wealden and to date, non of the Wealden CIL money has been spent in this Parish.

Climate Emergency Plan

35. The 2013 Core Strategy makes much of the need to incorporate climate change matters into any new development yet this application makes no reference to this. It is very difficult to see how building car dependent developments satisfies the aims of Wealden's Climate Emergency Plan 2019.

36. It should be a clear condition that any new development meets the requirements of the Climate Emergency Plan relating to design, construction methods, materials, and the use of renewable energy. Otherwise, how is Wealden going to deliver its plan ?

37. There is no provision for Electric Car Charging points. There is no provision for renewable energy usage in the homes. There is no gas supply to Halland so most homes resort to oil heating systems which conflicts with Wealden's Climate Emergency Plan and adds to the number of large delivery vehicles trying to access such sites.

Loss of Views

38. At present all the properties backing onto the application site have views onto a rural scene with all the beauty and tranquility that this affords. This is an important part of the character of this community and to replace it with a housing estate is damaging and unacceptable. The developer seeks to justify this blight by removing windows that would have directly invaded the privacy of the existing houses and to plant screening. The new screening may reduce the view of the housing estate but it is scant replacement for the rural scene it will have destroyed.

39. The character of Halland is that of a linear settlement with rural backlands coming in the centre of the community. The original name for Halland was The Nurseries because this area was a collection of Nursery Gardens. The site of the proposed development was one of these Nurseries. This connection with the rural landscape and the open nature of this settlement should be preserved.

Biodiversity

40. Many local residents are concerned that the application site is used by a wide variety of wildlife including deer, badgers, grass snakes and bats. They use the site for foraging and to transit to other areas. There is also an abundance of insects and birds as well as small animals such as newts and lizards. The developer displays a hugely disappointing attitude by implying that nothing will be harmed and that the development will enhance biodiversity. The Wealden Biodiversity Officer has not yet submitted a report on this application. Perhaps when this is done it will be somewhat more balanced and sympathetic towards the biodiversity on the site. The attitude to 2 specific animals is particularly poor:

Bats

a. It is lamentable that having surveyed Bramblebank House for Bats and found that at least 3 species of bat use the house as a Summer roost, that they conclude that it can still be demolished. The survey also identified that the bats use the application site for feeding. Their proposed mitigation of the destruction of this existing roost and habitat for protected species is to put up 4 bat boxes on the trees surrounding the site and plant insect attractants in the open spaces of the site. This is highly unlikely to be effective. Light pollution from a development of 30 homes is likely to deter any use of the bat boxes and there will be insufficient open spaces in the housing estate to replace the existing foraging potential of the open paddocks.

b. The Applicant's Ecological Consultant writes: "the development will not impact upon the hedgerows or mature trees on site, and the remaining habitat is largely sub optimal for foraging bats. The proposals will not impact upon foraging or commuting links or corridors and will not result in the habitat fragmentation or isolation of important foraging habitats". This is wrong. The housing proposed will have a significant effect on the wildlife and flora of this site. It will bury most of it under concrete and assault the remainder with car pollution, heating pollution, contaminated domestic water run-off, light pollution, human interference and predation/disturbance by pets.

Great Crested Newts

c. The applicants ecology report indicated that a nearby pond is likely to have Great Crested Newts and should be surveyed. A letter from the ecologist attached to the application states: "it is now confirmed that this pond supports fish" and therefore a survey is not needed. We do not believe that a survey has been done to confirm that the pond supports fish so this assertion should be ignored and a proper amphibian survey carried out.

Ashdown Forest

41. The Parish of East Hoathly with Halland is known to be a significant contributor to traffic movements on both the A26 and A22 compared to other areas and therefore all growth was removed from the 2013 Core Strategy and the now withdrawn Local Plan. Halland is situated in Middle Super Output Area (MSOA)13 South. Development within and around this settlement contributes to nitrogen levels and nitrogen deposition on Ashdown Forest on both the A22 and A26 and some of the more minor roads crossing the Forest'. (Wealden Local Plan Sustainability Appraisal Report, Proposed Submission Document, August 2018, pp 197-198)

42. It is made clear in Appendix A of the Sustainability Appraisal that the decision to reject development in the Parish is based on an analysis of the relative impact on Ashdown Forest of traffic associated with development in the various MSOA areas within the District: "Overall the settlement contributes a high level of traffic from new housing development within the District. In terms of the A22, the contribution for [the] MSOA is one of the highest within the District" (p. 25 of Appendix A of Sustainability Appraisal)

43. The demise of the Local Plan does not change these facts. Wealden have not abandoned their intention to bring forward the sites for the 14,228 homes identified in the 2019 Local Plan. Natural England have clearly said that 14,228 homes would cause no harm. However, if homes are built in excess of this figure then the potential harm has not been assessed. Wealden and Natural England

should establish what the safe threshold is before they proceed to develop in excess of their intention to develop the 14,228 homes identified in the 2019 Local Plan.

44. It is also important to note that Natural England have offered no evidence to support their claim that your 2019 Plan was wrong, they merely disagreed with your evidence. Having abandoned your HRA you will have to prepare a new one and it is inconceivable that you will ignore the evidence base you already have. You well know that much of the argument to adopt Scenario B was based on assumptions of vehicle fleet improvements and predictions of air quality improvements that have always fallen well short of expectations. Your arguments in the Camberlot Stables Appeal, supported by the Secretary of State and the High Court indicate that you know this to be true.

45. The proposed development will have an impact on the Ashdown Forest SPA. With the demise of the 2019 Local Plan, it is anticipated that Wealden will now dismiss this impact on the grounds that the site is more than 7 Km from the SPA and based on visitor surveys that most visitors live within 7 Km. This is a very weak argument. People from further than 7 Km certainly visit the SPA and Wealden know this. More importantly, Wealden know that traffic from Halland has a large impact on the A22 and much of it goes North through the SPA. There is a very clear link between houses in Halland generating traffic that crosses the SPA to get to Schools, Jobs or Shopping in Haywards Heath, Gatwick, East Grinstead, Tunbridge Wells or London.

Sustainability

46. This application fails to satisfy the NPPF sustainability requirements. The specific reasons for this are detailed in the paragraphs above and particularly in the section on Transport. This section shows how this fundamental lack of sustainability is measured against the NPPF sustainability objectives:

- a. **Economic Objective** “to identify land of the right types is available in the right places” This land is greenfield quality agricultural land many miles from the services and facilities that are needed to sustain housing. It is clearly not the right land in the right place.
- b. **Social Objective** “to support strong, vibrant and healthy communities” with “accessible services”. It is difficult to see how communities that are destined to spend their lives in cars to get to jobs, schools, shops and leisure destinations will be strong, vibrant or healthy. They will effectively be sleeping here and living somewhere else.
- c. **Environmental Objective** The NPPF Environmental Objective requires development “to contribute to protecting and enhancing our natural, built and

historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.” This application does not meet the environmental objective because it is totally car dependant and would therefore add to pollution, not mitigate or adapt to climate change nor move to a low carbon economy.

47. The key thing about NPPF Section 2 is that is focussed on Achieving Sustainable Development. This is why at Paragraph 10 it introduces the concept of a *presumption in favour of sustainable development*. Thus, the tests of sustainability come first. This application is in a settlement that Wealden defines as unsustainable. If the proposed development is not sustainable then it should not be approved irrespective of any development plan or whether or not such plans are out of date. This application fails the sustainability test and should not therefore be subject to any tilted balance assessment.

48. Please Reject this application.



Kathryn Richardson
Chair
Village Concerns

cc

Councillor Susan Stedman
Councillor Angela Snell
Councillor Gavin Blake-Coggins
Councillor Bob Bowdler
Councillor Neil Cleaver
Councillor Geoffrey Draper
Councillor Richard Grocock
Councillor Johanna Howell
Councillor Stephen Shing
Councillor Roger Thomas
Councillor David Watts
Councillor Chris Hardy
Councillor Gary Johnson
Councillor Michael Lunn
Councillor Gareth Owen-Williams
Councillor Peter Roundell
Councillor Daniel Shing

Tony Pope
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